PATENT

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Inventor:	Jeffrey Hatalsky, et al.	Atty.Dkt.No.:	5957-63700
Serial Number:	10/696,600	Examiner:	Shibru, Helen
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Title:	DYNAMIC COMPRESSION OF A VIDEO STREAM	Conf. No.:	6849

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On: July 30, 2009 /Dean M. Munyon/
Date Dean M. Munyon

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated below.

Applicant is in receipt of the Advisory Action mailed July 1, 2009. Claims 1-6, 8-13 and 15-22 remain pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks.

Claim 1

Claim 1 recites "a storage medium storing frames of a progressively-encoded video stream, each frame including corresponding frame data." Claim 1 further recites "the processing element being configured to fetch frames of the video stream *from the storage medium*, wherein the processing element is configured to fetch a dynamically-determined extent of the corresponding frame data for each of at least one of the frames in the video stream" (emphasis added). Claim 1 thus specifies that "progressively-encoded" "frames" of a "video stream" are "stor[ed]"on a "storage medium" and that a "processing element is configured to fetch a

dynamically-determined extent of the [progressively-encoded] corresponding frame data for each of at least one of the frames in the video stream." Accordingly, the "dynamically-determined extent" that claim 1 recites that the "processing element" is configured to fetch is of "frame data" stored by the "storage medium." For example, in one embodiment, "the processing element is configured to execute an editing process to dynamically determine the extents *on the basis of traffic on a data transmission channel providing data communication between the processing element and the storage medium.*" *See* claim 4.

Neither Bannai nor Lane teaches or suggests a "processing element [that] is configured to fetch a dynamically-determined extent of [] corresponding frame data" that is stored in a "storage medium," much less a "dynamically-determined extent" of frames from a "progressively-encoded video stream" as recited in claim 1. The Examiner acknowledges that Bannai does not teach or suggest this feature. *See* Office Action of October 3, 2008, at 3; Office Action Response of January 8, 2008 at 10 (arguing that Bannai does not teach or suggest "fetching dynamically-determined extents").

The Examiner thus relies on Lane. In the after-final response, Applicant argued that Lane does not teach or suggest fetching "dynamically-determined extents." *See* Response of May 29, 2009 at 6. Applicant submits that Lane teaches a video recorder that records data on a tape in which "10 bits of data" is recorded for [every] 8 bits" of supplied data. *Id.* (citing Abstract and 52:39-49 of Lane). Applicant further submits that when Lane's system later retrieves data from the tape, there is no teaching or suggestion of "dynamically-determining" an extent of data to fetch from the tape; rather, Lane suggests that 10 bits of data are always fetched at a time and subsequently demodulated to 8 bits. *See id.* at 52:41-67.

In the Advisory Action, the Examiner's brief comments focus on properties of the data stored by Lane. The Examiner states that "[a]n I-frame is used to generate at least one of the frames in the video stream. In other words, the I-frame is reduced dynamically to generate P and B frames." *See* Advisory Action (Continuation Sheet). The Examiner goes on to state that "when the I-frame is reduced, it will become less than the entirety of the first frame." *Id.* The Examiner's position thus appears to be that fetching an I-frame that has been reduced to a P- or

B-frame constitutes "fetch[ing] a dynamically-determined extent of the corresponding frame data for each of at least one of the frames in the video stream."

Applicant respectfully submits that the Examiner is in error. Claim 1 refers to fetching "less than the entirety of the frame data for the first frame." While Lane may refer to P-frames and B-frames, there is no teaching or suggestion in that reference of fetching "less than the entirety of the frame data for the first frame," whether that frame is an I-frame, B-frame, P-frame, etc. Stated another way, whatever type of frame is encountered by Lane (P-frame, etc.), the entirety of that frame is always fetched. There is no suggestion otherwise. The fact that a particular frame in Lane may have been reduced from some other frame during *generation* of the particular frame is not pertinent to claim 1's recitation of fetching a "dynamically-determined extent of [] corresponding frame data," "wherein [a] first dynamically-determined extent is less than the entirety of the frame data for the first frame."

Further, note that Lane does not teach that its stored data is "progressively-encoded." As such, the fact that Lane does not teach fetching an "extent [that] is less than the entirety of the frame data for the first frame" is entirely unsurprising. For data that is not progressively-encoded, the usefulness of fetching "less than the entirety of the frame data" is unclear.

Accordingly, for at least the reasons stated above, even assuming a motivation to combine Bannai and Lane (which Applicant does not concede), the proposed combination does not teach each and every feature of claim 1. As such, Bannai and Lane do not establish a *prima facie* case of obviousness with respect to claim 1 (and, by extension, its dependent claims). Similar remarks apply to independent claims 8 and 15 and their respective dependent claims.

Claim 5

Dependent claim 5 recites "wherein, in response to detection of a pause in displaying of the video stream, the processing element is configured to execute an editing process to fetch previously unfetched portions of the frame data for a currently displayed frame." The Examiner cites col. 8, line 62 to col. 9, line 23 and col. 53, line 63 to col. 54, line 25 of Lane as teaching these features. The first of these cited passage refers to "B-frame macroblocks" and includes no

mention of "detection of a pause in displaying of [a] video stream," much less the features of claim 5. The second of these cited passages also includes no teachings or suggestions that appear pertinent to claim 5. For at least the reasons stated above, claim 5 is believed to be further distinguishable over the cited art. Similar remarks apply to claims 13 and 20.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5957-63700/DMM.

Respectfully submitted,

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